

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

GEORGE NEAL WILLIAMS, #107935	§	
	§	
V.	§	CIVIL ACTION NO. G-04-282
	§	
GEAN LEONARD, ET AL.	§	

**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on June 12, 2007, which recommends that the above-styled cause be dismissed as frivolous. Plaintiff has filed objections to the Report and Recommendation, asserting that the Galveston County Jail and the jail's food department and kitchen workers were responsible for one incident of food poisoning that Plaintiff suffered, even though his claims are "not against the two [named] officers [Leonard and Delacruz] personally." Plaintiff's objections have no merit. For reasons correctly stated by the Magistrate Judge, Plaintiff has failed to allege the violation of a constitutional right.

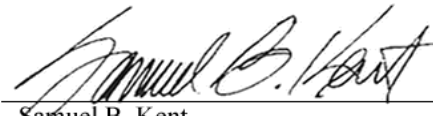
After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice as frivolous.

This Order does not release Plaintiff or the Texas Department of Criminal Justice, Institutions Division from the obligation to pay the filing fee previously imposed. Plaintiff is advised that if he appeals this dismissal, he will be required to pay the appeal fee of \$455.00 pursuant to the Prison

Litigation Reform Act, and he must submit a 6-month certificate of his inmate trust account when he files his notice of appeal.

A certified copy of this Order shall be mailed to: **TDCJ-Office of the General Counsel**, P.O. Box 13084, Austin, Texas, 78711; and, to **TDCJ Local Funds Division**, P.O. Box 629, Huntsville, TX 77342-0629.

**DONE** at Galveston, Texas, this the 11<sup>th</sup> day of July, 2007.

  
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Samuel B. Kent  
United States District Judge